HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2146 of 2006

Petitioners :
1. Sirjiyus Lakra S/o Dira Aged about 58 yrs, Assistant Teacher
2. Theodor Kujur S/o Barnabus Aged about 42 yrs, Assistant Teacher
3. Bhinsent Ekka S/o Simon Aged about 55 yrs, Assistant Teacher
4. Gabrieal Minj S/o Birsai Aged about 60 yrs, Assistant Teacher

All are working at & Address are :- Sahayika Primary School Jokbahala (Boys) Distt. Jashpur (C.G.)

Versus

Respondents :
1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan, Raipur (C.G.)
2. The Director, Directorates of Public Instruction, Pension Bada Raipur (C.G.)
3. The District Education Officer Public Instructions Jashpur (C.G.)
4. The Chairman / Manager, Sahayika Primary School (Boys) Jokbahala, Christian Peoples Committee Jokbahala Distt. Jashpur (C.G.)

SB: Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. N. Malviya, counsel for the petitioners.
Ms. Deepali Pandey, Panel lawyer for the respondents/State

ORDER

(Passed on this 12th day of April, 2007)

1. The question of law involved herein is whether the non-teaching staff working in Government aided school are entitled to the benefit of recommendations of the Fifth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1988 (henceforth 'the Pay Rules, 1988').

2. The identical question of law was considered by this Court in batch of matters i.e. Smt. A. Lall vs. State of Chhattisgarh and other connected

matters (W.P. No. 4108 of 2005) and by judgment and order dated 6.2.2007, this Court held that the petitioners who are working in fully Government aided private schools are entitled to the revised pay-scales with effect from 1.1.1996 as prescribed under the Pay Rules, 1988. This Court further for the purpose of payment of arrears had granted certain direction.

3. Admittedly and jointly, it is submitted by the parties that this matter is squarely covered by the judgment and order dated 6.2.2007 passed by this Court in the case of Smt. A. Lall vs. State of Chhattisgarh and other connected matters (Supra).

4. As a result, for the reasons stated in the judgment and order dated 6.2.2007 passed in W.P. No. 4108 of 2005 (Smt. A. Lall vs. State of Chhattisgarh and other connected matters) (Supra). The writ petition is allowed in the same terms and conditions.

Sd/-
Satish K. Agnihotri
Judge